

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RICARDO TILLERY,

Plaintiff,

v.

COMMUNITY MENTAL HEALTH
AUTHORITY, CLINTON/EATON/INGHAM,

Defendant.

Case No. 1:18-cv-891

HON. JANET T. NEFF

OPINION AND ORDER

In August 2018, Plaintiff, proceeding pro se, filed this action against Defendant, his former employer. On April 1, 2019, Defendant filed a motion for summary judgment to which Plaintiff failed to respond. The matter was referred to the Magistrate Judge. On July 1, 2019, the Magistrate Judge issued a Report and Recommendation (R&R), recommending summary judgment be granted based on Plaintiff's failure to respond to the motion. The matter is presently before the Court on Plaintiff's objection to the Report and Recommendation, to which Defendant filed a response. In accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court has performed de novo consideration of those portions of the Report and Recommendation to which objections has been made. The Court denies the objection and issues this Opinion and Order.

In his objection, Plaintiff admits he failed to respond to Defendant's motion, indicating that he "had the misunderstanding that [he] would respond orally to the motion" (Pl. Obj., ECF No. 24 at PageID.152). As Defendant points out (ECF No. 26 at PageID.158-159), Plaintiff's brief objection supplies "no reasonable explanation for his failure to comply with this Court's

preliminary case management order or W.D. Mich. LCivR 7.2” nor any “reasonable explanation or objection to the Magistrate Judge’s conclusion that his failure to properly respond to Defendant’s motion for summary judgment constituted a waiver of any opposition and forfeiture of his claims.” In short, Plaintiff’s objection fails to demonstrate any factual error or legal error in the Magistrate Judge’s Report and Recommendation. Accordingly, this Court adopts the Magistrate Judge’s Report and Recommendation as the Opinion of this Court. A Judgment will be entered consistent with this Opinion and Order. *See* FED. R. CIV. P. 58. Therefore:

IT IS HEREBY ORDERED that the Objection (ECF No. 24) is DENIED and the Report and Recommendation of the Magistrate Judge (ECF No. 23) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that Defendant’s Motion for Summary Judgment (ECF No. 21) is GRANTED.

Dated: January 15, 2020

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge